

Trademark

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark

78-136703 +



TYPED DRAWING

**FILING DATE**  
June 18, 2002

**ORIGINAL APPLICANT**  
Barilla Alimentare S.p.A.

**GOODS/SERVICES (CLASS 030)**  
pasta, pasta products, sauces for pasta

**FILING BASIS**  
ITU

**ORIGINAL CORRESPONDENT**  
G. Franklin Rothwell, Esq.

BARILLA - AMERICA'S FAVORITE PASTA

PRINCIPAL

LAW OFFICE 102

ATTORNEY ADVISOR: \_\_\_\_\_

78-136703 +

Approved for Publication (Principal Register) (Signature/Date)	NOP
Approved for Registration (Section 1(a)) (Signature/Date)	
Approved for Registration (Supplemental Register) (Signature/Date)	NOA
<input type="checkbox"/> Abandoned	(Date)

Trademark

Serial Number  
(Text)



NEW CASE DELIVERED  
OCT 9 8 2002  
LAW OFFICE 101

NEW CASE DELIVERED

SEP 2 8 2002  
LAW OFFICE 111

PROSECUTION HISTORY

Entry	Date	Initials
1.	OCT 15 2002	PCH
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☐ See inside of file for additional entries.

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*** User: dspruill ***
#      Total Dead      Live      Live      Status/
#      Marks Marks      Viewed Viewed Search
#      Marks Marks      Docs      Images Search
#      Marks Marks      Docs      Images Duration
01      35      4      35      14      0:01      "barilla alimentare"[on]
02      1605    N/A      0      0      0:04      *b$1r(v)1$1(v)*[bi,ti]
03      223      0      223      67      0:11      2 and "030"[cc] not dead[ld]
04      34385   N/A      0      0      0:06      *m(v)r(v){ "ckgx"a*[bi,ti]
05      1017    N/A      0      0      0:11      *("fh"avor(v)t*[bi,ti]
06      8369    N/A      0      0      0:02      *be("sz")t*[bi,ti]
07      1530    N/A      0      0      0:01      *pre("fp")$ler*[bi,ti]
08      23850   N/A      0      0      0:04      ("1" one*)[bi,ti]
09      1323    N/A      0      0      0:01      *pa("sz")ta*[bi,ti]
10      901     N/A      0      0      0:01      4 and (5 6 7 8 9)
11      23      13      10      2      0:01      9 and (5 6 7 8)
12      214      0      214      69      0:10      10 and "030"[cc] not dead[ld]

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Session started 10/11/02 9:29:16 AM
Session finished 10/11/02 9:44:24 AM
Total search duration 0 minutes 53 seconds
Session duration 15 minutes 8 seconds
Default NEAR limit= 1 ADJ limit= 1

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/136703

APPLICANT: Barilla Alimentare S.p.A.

OCT 15 2002

CORRESPONDENT ADDRESS:

G. Franklin Rotwell, Esq.  
Rotwell, Figg, Ernst & Manbeck, P.C.  
1425 K Street, NW  
Suite 800  
Washington DC 20005

RETURN ADDRESS:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
ecom101@uspto.gov

MARK: BARILLA - AMERICA'S FAVORITE PASTA

CORRESPONDENT'S REFERENCE/DOCKET NO: 2778-127

CORRESPONDENT EMAIL ADDRESS:  
N/A

Please provide in all correspondence:  
1. Filing date, serial number, mark and applicant's name.  
2. Date of this Office Action.  
3. Examining Attorney's name and Law Office number.  
4. Your telephone number and e-mail address.

PRIORITY ACTION

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 704.02.

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE. This case will be given priority as an amended case if you respond to the requirements stated below within two months.

FOR INQUIRES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

RE: Serial Number 78/136703

The following issues were discussed in communication with G. Franklin Rotwell on 10/11/02.

1. IDENTIFICATION OF GOODS - UNACCEPTABLE:

The identification of goods is indefinite because the applicant uses the wording "products." The identification of goods must be specific. The applicant must amend the identification to specify the common commercial name of the goods or to indicate their nature. The recitation identification must be all-inclusive. The applicant should amend the identification to replace this wording with "namely." The applicant may amend the identification to substitute the following wording, if

accurate: "Pasta, pasta products, namely, [specify the products], sauces for pasta," in International Class 030. 37 C.F.R. Section 2.71(a); TMEP sections 804 and 804.08(c).<sup>1</sup>

Please note that while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(e); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.


## 2. DISCLAIMER REQUIREMENT:

The applicant must disclaim the wording AMERICA'S FAVORITE PASTA in the mark because the wording AMERICA'S is a term having geographical significance combined with FAVORITE a laudatory descriptive term, and PASTA a generic term.

Also, the examining attorney has attached third-party registrations showing the term AMERICA(S) combined with laudatory and generic terms disclaimed. See the attached enclosure. Third-party registrations are probative to the extent of demonstrating "that a mark or a portion thereof is suggestive or descriptive of certain goods and/or services and hence is entitled to a narrow scope of protection; properly used in this limited manner, third-party registrations are similar to dictionaries showing how language is generally used." See TMEP section 1207.01(c)(iv); see also, e.g., Specialty Brands, Inc. v. Daktronix, Inc. v. Daktronix, Inc., 748 F.2d 669, 223 USPQ 1281 (Fed. Cir. 1984); Tektronix, Inc. v. Daktronix, Inc., 534 F.2d 915, 917, 189 USPQ 693, 694-95 (C.C.P.A. 1975); In re Melville Corp., 18 USPQ2d 1386, 1388 (TTAB 1991); In re Dayco Products-Eagle Automotive Inc., 9 USPQ2d 1910, 1911 (TTAB 1988); In re J.M. Originals Inc., 6 USPQ2d 1393, 1394 (TTAB 1987); United Foods Inc. v. J.R. Simplot Co., 4 USPQ2d 1172, 1174 (TTAB 1987).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.09(e)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "AMERICA'S FAVORITE PASTA" apart from the mark as shown.

  
Darryl M. Sprull  
Trademark Attorney  
Law Office 101  
(703) 308-9101, Ext. 170  
darryl.sprull@uspto.gov

<sup>1</sup> Please note that the recommended identification of goods is not exhaustive. The applicant is directed to the Office's searchable database of the Manual of Acceptable Identifications of Goods and Services. The address for this is: <https://www.uspto.gov/web/offices/tac/doc/gsmmanual/>.

**How to respond to this Office Action:**

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/imelectresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

\*\*\* User: dspru11 \*\*\* Serial Number: 78057808 \*\*\* 10/11/02 10:58:13 AM \*

[Typed Drawing]

Mark AMERICA'S FAVORITE PIZZA FEAST

Pseudo Mark AMERICAS FAVORITE PIZZA FEAST

Goods and Services  
IC 030. US 046. G & S: Pizza for consumption on or off the premises.  
FIRST USE: 19920427. FIRST USE IN COMMERCE: 19920427

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
78057808

Filing Date  
April 11, 2001

Publication for Opposition Date  
January 15, 2002

Registration Number  
2558945

Registration Date  
April 9, 2002

Owner Name and Address  
(REGISTRANT) Domino's Pizza PWC, Inc. CORPORATION MICHIGAN 30 Frank Lloyd  
Wright Drive Ann Arbor MICHIGAN 48106

Prior Registration(s)  
1705234,1791773,1825321,AND OTHERS

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA'S FAVORITE PIZZA"  
APART FROM THE MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL

Live Dead Indicator  
LIVE

Attorney of Record  
Elizabeth F. Janda

\*\*\* Search: 14 \*\*\* Document Number: 2 \*\*\*

\*\*\* User: dspruill \*\*\* Serial Number: 78039333 \*\*\* 10/11/02 10:58:13 AM \*

[Typed Drawing]

Mark

AMERICA'S FAVORITE COOKIE

Goods and Services

IC 030. US 046. G & S: Cookies. FIRST USE: 19980201. FIRST USE IN  
COMMERCE: 19980201

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

78039333

Filing Date

December 14, 2000

Filed ITU

FILED AS ITU

Supplemental Register Date

November 19, 2001

Registration Number

2572410

Registration Date

May 21, 2002

Owner Name and Address

(REGISTRANT) Nabisco Brands Company CORPORATION DELAWARE 1105 North  
Market Street, Suite 803 Wilmington DELAWARE 19801

Assignment Recorded

ASSIGNMENT RECORDED

Prior Registration(s)

2149887

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Live Dead Indicator

LIVE

Attorney of Record

Kathleen J. Gallagher, Esq.

\*\*\* Search: 14 \*\*\* Document Number: 1 \*\*\*



\*\*\* User: dspruill \*\*\* Serial Number: 75768708 \*\*\* 10/11/02 10:58:13 AM \*

Mark  
[Typed Drawing]

AMERICA'S FAVORITE SOUR GUM

Pseudo Mark  
AMERICAS FAVORITE SOUR GUM

Goods and Services  
IC 030, US 046, G & S: BUBBLE GUM, FIRST USE: 19990615, FIRST USE IN  
COMMERCE: 19990615

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75768708

Filing Date  
August 5, 1999

Supplemental Register Date  
December 15, 1999

Registration Number  
2347915

Registration Date  
May 2, 2000

Owner Name and Address  
(REGISTRANT) Philadelphia Cheewing Gum Corporation CORPORATION  
PENNSYLVANIA Havertown PENNSYLVANIA 190832189

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUR GUM" APART FROM THE  
MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
SUPPLEMENTAL

Live Dead Indicator  
LIVE

Attorney of Record  
Harriet E. Perkins

\*\*\* Search: 14 \*\*\* Document Number: 4 \*\*\*

\*\*\* User: dspru11 \*\*\* Serial Number: 75618178 \*\*\* 12/11/02 10:58:14 AM \*

[Typed Drawing]

Mark TUMARO'S GOURMET TORTILLAS -- AMERICA'S FAVORITE

Pseudo Mark  
TUMAROS GOURMET TORTILLAS AMERICAS FAVORITE

Goods and Services  
IC 030. US 046. G & S: tortillas and crepes. FIRST USE: 20000411.  
FIRST USE IN COMMERCE: 20000411

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75618178

Filing Date  
January 11, 1999

Filed ITU  
FILED AS ITU

Publication for Opposition Date  
October 26, 1999

Registration Number  
2419870

Registration Date  
January 9, 2001

Owner Name and Address  
(REGISTRANT) Tuma-o's, Inc. CORPORATION CALIFORNIA 5300 Santa Monica  
Boulevard Los Angeles CALIFORNIA 90029

Prior Registration(s)  
1893236;2133513

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GOURMET TORTILLAS--  
AMERICA'S FAVORITE" APART FROM THE MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL

Live Dead Indicator  
LIVE

Attorney of Record  
Corrine M. Freeman

\*\*\* Search 14 \*\*\* Document Number: 5 \*\*\*

\*\*\* User: dspruill \*\*\* Serial Number: 75538444 \*\*\* 10/11/02 10:56:14 AM  
[Typed Drawing]

Mark AMERICA'S FAVORITE

Pseudo Mark AMERICAS FAVORITE

Goods and Services IC 330. US 046. G & S: Doughnuts. FIRST USE: 19721003. FIRST USE IN  
COMMERCE: 19721201

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75538444

Filing Date  
August 18, 1998

Publication for Opposition Date  
April 27, 1999

Registration Number  
2263243

Registration Date  
July 20, 1999

Owner Name and Address  
(REGISTRANT) FORD Development Corporation CORPORATION KENTUCKY 7303  
Turway Road Florence KENTUCKY 41042

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2(F)

Live Dead Indicator  
LIVE

Attorney of Record  
JOHN M HARRINGTON

\*\*\* Search: 14 \*\*\* Document Number: 7 \*\*\*



Mark

AMERICA'S FAVORITE FOODS PRESTO

Pseudo Mark

AMERICAS FAVORITE FOODS PRESTO

Goods and Services

IC 030, US 046, G & S: Pizza crust mix, garlic sauce and cheddar sauce. FIRST USE: 19920217. FIRST USE IN COMMERCE: 19920217

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

261702 261707

Serial Number

75501805

Filing Date

June 15, 1998

Publication for Opposition Date

September 21, 1999

Registration Number

2299622

Registration Date

December 14, 1999

Owner Name and Address

(REGISTRANT) OHIO PIZZA PRODUCTS INC. CORPORATION OHIO 1522 Manchester Road Dayton OHIO 45450127

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA'S FAVORITE FOODS" APART FROM THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

\*\*\* Search: 14 \*\*\* Document Number: 8 \*\*\*

(cont)

\*\*\* User: dspru11 \*\*\* Serial Number: 75501805 \*\*\*  
LIVE  
Attorney of Record  
THEODORE D LIENESCH

\*\*\* Search: 14 \*\*\* Document Number: 8 \*\*\*

\*\*\* User: dspru11 \*\*\* Serial Number: 75470400 \*\*\* 10/11/02 10:58:14 AM \*  
[Typed Drawing]

Mark AMERICA'S FAVORITE CANDIES

Pseudo Mark AMERICAS FAVORITE CANDIES

Goods and Services IC 030. US 046. G & S: CANDY NOT INCLUDING JELLY BEANS. FIRST USE:  
19851118. FIRST USE IN COMMERCE: 19851118

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75470400

Filing Date  
April 20, 1998

Publication for Opposition Date  
November 2, 1999

Registration Number  
2359173

Registration Date  
June 20, 2000

Owner Name and Address  
(REGISTRANT) PROMOTION IN MOTION, INC. CORPORATION DELAWARE 3 REUTEN  
DRIVE CLOSTER NEW JERSEY 07624

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CANDIES" APART FROM THE  
MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2 (F)

Live Dead Indicator  
LIVE

Attorney of Record  
RICHARD M GOLDBERG

\*\*\* Search: 14 \*\*\* Document Number: 9 \*\*\*

\*\*\* Usei: dspru11 \*\*\* Serial Number: 75447700 \*\* 10/11/02 10:58:15 AM \*

[Typed Drawing]

Mark BEST PIE IN AMERICA

Goods and Services IC 030 US 046 G & S: PIES. FIRST USE: 19970100. FIRST USE IN

COMMERCE: 19970100

IC 042 US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 19970100.  
FIRST USE IN COMMERCE: 19970100

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75447700

Filing Date  
March 10, 1998

Supplemental Register Date  
October 14, 1998

Registration Number  
2239993

Registration Date  
April 13, 1999

Owner Name and Address  
(REGISTRANT) VACORP Restaurants, Inc. CORPORATION COLORADO 400 West 48th  
Avenue Denver COLORADO 80216

Assignment Recorded  
ASSIGNMENT RECORDED

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PIE" APART FROM THE MARK  
AS SHOWN

Type of Mark  
TRADEMARK. SERVICE MARK

Register  
SUPPLEMENTAL

Live Dead Indicator  
LIVE

Attorney of Record  
SABRINA C SPAYISH

\*\*\* Search: 14 \*\*\* Document Number: 10 \*\*\*



Mark BAKERS SQUARE BEST PIE IN AMERICA

Goods and Services IC 030. US 046. G & S: pies. FIRST USE: 19970400. FIRST USE IN COMMERCE: 19970400

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code 010:03 260117

Serial Number 75300090

Filing Date May 29, 1997

Filed ITU FILED AS ITU

Publication for Opposition Date October 6, 1998

Registration Number 2213980

Registration Date December 29, 1998

Owner Name and Address (REGISTRANT) Vicorp Restaurants, Inc. CORPORATION COLORADO 400 West 48th Avenue Denver COLORADO 80216

Assignment Recorded ASSIGNMENT RECORDED

\*\*\* Search: 14 \*\*\* Document Number: 11 \*\*\*

(cont)



\*\*\* User: depreu11 \*\*\* Serial Number: 75300090 \*\*\*

Prior Registration(s)  
1394236,1394428,1403328,2002503

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEST PIE IN AMERICA"  
APART FROM THE MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2(F)-IN PART

Live Dead Indicator  
LIVE

Distinctiveness Limitation Statement  
as to "BAKERS"

Attorney of Record  
SABRINA C STAVISH

\*\*\* Search: 14 \*\*\* Document Number: 11 \*\*\*

\*\*\* User: dspruill \*\*\* Serial Number: 75265223 \*\*\* 10/11/02 10:58:15 AM \*  
[Typed Drawing]

Mark  
AMERICA'S BEST

Pseudo Mark  
AMERICAS BEST

Goods and Services  
IC 330. US 046. G & S: Iced coffee-based beverages, namely, unflavored  
iced coffees and coffees with flavorings including cappuccino, hazelnut,  
French vanilla, Viennese mocha and original chocolate flavors. FIRST  
USE: 19930200. FIRST USE IN COMMERCE: 19930200

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75265223

Filing Date  
March 27, 1997

Publication for Opposition Date  
July 21, 1998

Registration Number  
2194941

Registration Date  
October 13, 1998

Owner Name and Address  
(REGISTRANT) America's Best Beverage Company, Inc. CORPORATION FLORIDA 35  
Masco Street Greenwich CONNECTICUT 06830

Assignment Recorded  
ASSIGNMENT RECORDED

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2(F)

Live Dead Indicator  
LIVE

Attorney of Record  
MICHAEL I WOLFSON

\*\*\* Search: 14 \*\*\* Document Number: 12 \*\*\*

12/30/2002 10:28 PM

UNITED STATES PATENT AND TRADEMARK OFFICE

\*\*\*

\*\*\* User: dspruill \*\*\* Serial Number: 75222072 \*\*\* 12/11/02 10:58:16 AM \*  
[Typed Drawing]

Mark AMERICA'S FAVORITE CHOCOLATE CHIP COOKIE!

Pseudo Mark AMERICAS FAVORITE CHOCOLATE CHIP COOKIE

Goods and Services IC 030. US 046. G & S: cookies. FIRST USE: 19960400. FIRST USE IN  
COMMERCE: 19960400

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75222072

Filing Date January 8, 1997

Filed ITU

Supplemental Register Date January 20, 1998

Registration Number 2149887

Registration Date April 7, 1998

Owner Name and Address  
(REGISTRANT) Nabisco Brands Company CORPORATION DELAWARE One South Wacker  
Drive, Suite 2740 Chicago ILLINOIS 60606

Assignment Recorded  
ASSIGNMENT RECORDED

Type of Mark  
TRADEMARK

Register  
SUPPLEMENTAL

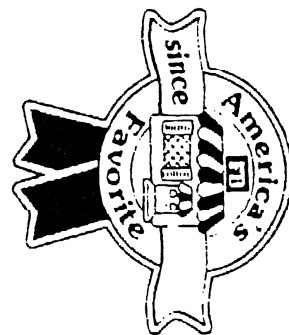
Live Dead Indicator  
LIVE

Attorney of Record  
KATHLEEN J GALLAGHER

\*\*\* Search: 14 \*\*\* Document Number: 13 \*\*\*



\*\*\* User: dapru11 \*\*\* Serial Number: 75144931 \*\* 10/11/02 10:58:16 AM \*



## Mark

AMERICA'S FAVORITE SINCE FBI

## Goods and Services

IC C30. US 046. G & S: confectionery, namely, candy, caramels, marshmallows, marshmallow creme, and fudge. FIRST USE: 1996/700. FIRST USE IN COMMERCE: 1996/700

## Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

## Design Code

070104 240707 240307

## Serial Number

75144931

## Filing Date

August 5, 1996

## Publication for Opposition Date

September 16, 1997

## Registration Number

2119233

## Registration Date

December 9, 1997

## Owner Name and Address

(REGISTRANT) Favorite Brands International, Inc. CORPORATION DELAWARE 75  
Tri State International Lincolnshire ILLINOIS 60069

## Assignment Recorded

ASSIGNMENT RECORDED

## Disclaimer Statement

\*\*\* Search: 14 \*\*\* Document Number: 14 \*\*\*

(cont)

12/30/2002 13:29 FAX

UNITED STATES PATENT AND TRADEMARK OFFICE

\*\*\* User: dspruill \*\*\* Serial Number: 7514/931 \*\*\*

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA'S FAVORITE SINCE"  
APART FROM THE MARK AS SHOWN

Description of Mark

The mark consists of the design of a canopied building, with the stylized letters "FBI" appearing directly above the building, and the phrase "AMERICA'S FAVORITE SINCE" (followed by a date of origin, which varies from candy to candy), all being enclosed in a banner and seal-with-ribbon design. The lining in the drawing is a feature of the mark, and it is not intended to indicate color.

Type of Mark  
TRADEMARK

Register  
PRINCIPAL

Live Dead Indicator  
LIVE

Attorney of Record  
Paula J. Krasny

\*\*\* Search: 14 \*\*\* Document Number: 14 \*\*\*

\*\*\* User: dsprull \*\*\* Serial Number: 75116367 \*\*\* 10/11/02 10:56:17 AM \*  
[Typed Drawing]

Mark IT'S AMERICA'S FAVORITE JELLY BEAN

Goods and Services  
IC 030, US 046, G & S: jelly beans. FIRST USE: 19890531. FIRST USE  
IN COMMERCE: 19890531

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75116367

Filing Date  
June 10, 1996

Publication for Opposition Date  
April 15, 1997

Registration Number  
2077129

Registration Date  
July 8, 1997

Owner Name and Address  
(REGISTRANT) HERMAN GOELITZ CANDY CO., INC. CORPORATION CALIFORNIA 2400  
North Watney Way Fairfield CALIFORNIA 94533

Assignment Recorded  
ASSIGNMENT RECORDED

Prior Registration(s)  
1604190

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "JELLY BEAN" APART FROM  
THE MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2 (F)

Live Dead Indicator  
LIVE

Attorney of Record  
JAMES R. CYPHER

\*\*\* Search: 14 \*\*\* Document Number: 15 \*\*\*

\*\*\* User: dspruill \*\*\* Serial Number: 75058756 \*\* 12/11/02 10:58:17 AM \*

[Typed Drawing]

Mark AMERICA'S FAVORITE KETCHUP

Pseudo Mark

AMERICAS FAVORITE KETCHUP

Goods and Services

IC 030, US 046, G & S: condiments, namely, ketchup. FIRST USE:  
19920600. FIRST USE IN COMMERCE: 19920500

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75068756

Filing Date  
March 7, 1996

Publication for Opposition Date  
July 1, 1997

Registration Number  
2038790

Registration Date  
September 23, 1997

Owner Name and Address  
(REGISTRANT) H. J. HEINZ COMPANY CORPORATION PENNSYLVANIA 1062 Progress  
Street Pittsburgh PENNSYLVANIA 15212

Assignment Recorded  
ASSIGNMENT RECORDED

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KETCHUP" APART FROM THE  
MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2(F)

Live Dead Indicator  
LIVE

Attorney of Record  
Dean A. Bierkan

\*\*\* Search: 14 \*\*\* Document Number: 17 \*\*\*



\*\*\* User: dspru11 \*\*\* Serial Number: 75036522 \* 12/11/02 10:58:17 AM \*

[Typed Drawing]

Mark AMERICA'S FAVORITE SOFT PRETZEL

Goods and Services

IC 030. US 046. G & S. snack foods, namely, soft pretzels. FIRST USE: 19960300. FIRST USE IN COMMERCE: 19960300

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
75036522

Filing Date  
December 26, 1995

Filed ITU  
FILED AS ITU

Publication for Opposition Date  
February 17, 1998

Registration Number  
2155994

Registration Date  
May 12, 1998

Owner Name and Address  
(REGISTRANT) J&J Snack Foods Corp. CORPORATION NEW JERSEY 6000 Central  
Highway Pennsauken NEW JERSEY 08109

Disclaimer Statement  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFT PRETZEL" APART FROM  
THE MARK AS SHOWN

Type of Mark  
TRADEMARK

Register  
PRINCIPAL-2(F)

Live Dead Indicator  
LIVE

Attorney of Record  
J. Rodman Steele, Jr.

\*\*\* Search: 14 \*\*\* Document Number: 18 \*\*\*

12/30/2002 15:30 FAX

DUANE MORRIS RECAPSOLUTION

\*\*\*\*\*

\*\*\* User: dspru11 \*\*\* Serial Number: 75035078 \* 10/11/02 10:58:18 AM \*

[Typed Drawing]

Mark

AMERICA'S #1 SPICE VALUE

Goods and Services

IC 030. US 046. G & S: spices. FIRST USE: 19950324. FIRST USE IN  
COMMERCE: 19950324

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75035078

Filing Date

December 20, 1995

Publication for Opposition Date

March 11, 1997

Registration Number

2066497

Registration Date

June 3, 1997

Owner Name and Address

(REGISTRANT) ROSE SPICE, INC. CORPORATION DELAWARE 4500 Northchase  
Parkway NE Wilmington DELAWARE 28405

Assignment Recorded

ASSIGNMENT RECORDED

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA'S #1 SPICE" APART  
FROM THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

WILLIAM J MASON

\*\*\* Search: 14 \*\*\* Document Number: 19 \*\*\*

\*\* User: dspn11 \*\*\* Serial Number: 74322961 \* 10/11/02 10:58:18 AM \*

[Typed Drawing]

Mark AMERICA'S FAVORITE HOLIDAY CANDY

Pseudo Mark AMERICAS FAVORITE HOLIDAY CANDY

Goods and Services IC 030. US 046. 3 & S: chocolates and other candy. FIRST USE: 19921201. FIRST USE IN COMMERCE: 19921201

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74322961

Filing Date October 15, 1992

Filed ITU FILED AS ITU

Supplemental Register Date December 14, 1993

Registration Number 1837304

Registration Date May 17, 1994

Owner Name and Address (REGISTRANT) R. M. PALMER COMPANY CORPORATION PENNSYLVANIA 77 Second Avenue West Reading PENNSYLVANIA 19611

Disclaimer Statement NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOLIDAY CANDY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Affidavit Text SECT 3 (6-YR).

Live Dead Indicator LIVE

Attorney of Record John F. McNulty

\*\*\* Search: 14 \*\*\* Document Number: 21 \*\*\*

\*\*\* User: dspruill \*\*\* Serial Number: 74270458 \*\*\* 10/11/02 10:58:18 AM

## America's Favorite Pizza Feast

### Mark

AMERICA'S FAVORITE PIZZA FEAST

### Pseudo Mark

AMERICAS FAVORITZ PIZZA FEAST

### Goods and Services

IC 030. US 046. G & S: pizza for consumption on or off the premises.  
FIRST USE: 19920427. FIRST USE IN COMMERCE: 19920427

### Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

### Serial Number

74270458

### Filing Date

April 29, 1992

### Filed ITU

FILED AS ITU

### Publication for Opposition Date

December 15, 1992

### Registration Number

1791773

### Registration Date

September 7, 1993

### Owner Name and Address

(REGISTRANT) Domino's Pizza, Inc. CORPORATION MICHIGAN 30 Frank Lloyd  
Wright Drive P.O. Box 997 Ann Arbor MICHIGAN 48106097

### Assignment Recorded

ASSIGNMENT RECORDED

### Prior Registration(s)

1706700

### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA'S FAVORITE PIZZA"  
APART FROM THE MARK AS SHOWN

### Type of Mark

TRADEMARK

### Register

PRINCIPAL

\*\*\* Search: 14 \*\*\* Document Number: 22 \*\*\*

(cont)

12/30/2002 13:31 FNA

\*\*\*\*\*

\*\*\* User: dsprull1 \*\*\* Serial Number: 74270458 \*\*\*

Affidavit Text  
SECT 15. SECT 8 (6-YR).

Live Dead Indicator  
LIVE

Attorney of Record  
JEFFREY P THENNISCH

\*\*\* Search: 14 \*\*\* Document Number: 22 \*\*\*

\*\*\* User: dsprull \*\*\* Serial Number: 7404195 \*\*\* 10/11/02 10:58:19 AM \*

[Typed Drawing]

Mark AMERICA'S SNACK FAVORITE

Pseudo Mark  
americas snack favorite

Goods and Services  
IC 030. US 046. G & S: snack cakes. FIRST USE: 19891200. FIRST USE  
IN COMMERCE: 19891200

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
7404195

Filing Date  
March 30, 1990

Supplemental Register Date  
November 14, 1990

Registration Number  
1638019

Registration Date  
March 12, 1991

Owner Name and Address  
(REGISTRANT) McKee Baking Company CORPORATION TENNESSEE P.O. Box 750  
Collegedale TENNESSEE 37315

(LAST LISTED OWNER) MCKEE FOODS CORPORATION CORPORATION BY CHANGE OF  
NAME FROM TENNESSEE P.O. BOX 750 COLLEGE DALE TENNESSEE 37315075C

Assignment Recorded  
ASSIGNMENT RECORDED

Error Registration(s)  
1542109

Type of Mark  
TRADEMARK

Register  
SUPPLEMENTAL

Affidavit Text  
SECT 8 (6-YR). SECTION 8(10-YR) 20010618.

Renewal  
1ST RENEWAL 20010618

Live Dead Indicator

\*\*\* Search: 14 \*\*\* Document Number: 23 \*\*\*

(cont)

12/30/2002 13:02 FMA

\*\*\*\*\*

\*\*\*\*\*

\*\*\* User: dsprull \*\*\* Serial Number: 74044195 \*\*\*

LIVE

Attorney of Record  
DONALD A. KAUL & PATRICIA R. BROWN

\*\*\* Search: 14 \*\*\* Document Number: 23 \*\*\*

<b>DOCUMENT INFORMATION</b>	
<b>TRADEMARK/SERVICE MARK APPLICATION</b>	
<b>VERSION 1.24</b>	
<b>APPLICANT INFORMATION</b>	
NAME	Barilla Alimentare S.p.A.
STREET	Via Mantova 166
CITY	Parma PR
COUNTRY	Italy
ZIP/POSTAL CODE	43100
<b>APPLICANT ENTITY INFORMATION</b>	
CORPORATION: STATE/COUNTRY OF INCORPORATION	Italy
<b>TRADEMARK/SERVICE MARK INFORMATION</b>	
MARK	BARILLA - AMERICA'S FAVORITE PASTA
TYPED FORM	Yes
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	
INTENT TO USE: SECTION 1(b)	Yes
INTERNATIONAL CLASS NUMBER	030
LISTING OF GOODS AND/OR SERVICES	PASTA, PASTA PRODUCTS, SAUCES FOR PASTA
<b>ATTORNEY INFORMATION</b>	
NAME	G. Franklin Rothwell, Esq.
STREET	1425 K Street, NW Suite 800



eTas Trademark/Service Mark Application

78136703

CITY	Washington
STATE	DC
COUNTRY	USA
ZIP/POSTAL CODE	20005
FIRM NAME	Rothwell, Figg, Ernst & Manbeck, P.C.
TELEPHONE NUMBER	202-783-6040
FAX NUMBER	202-783-6031
ATTORNEY DOCKET NUMBER	2778-127
OTHER APPOINTED ATTORNEY(S)	Robert H. Cameron; Anne M. Sterba
<b>DOMESTIC REPRESENTATIVE FOR FOREIGN APPLICANT</b>	
NAME	G. Franklin Rothwell, Esq.
STREET	1425 K Street, NW Suite 800
CITY	Washington
STATE	DC
ZIP CODE	20005
FIRM NAME	Rothwell, Figg, Ernst & Manbeck, P.C.
TELEPHONE NUMBER	202-783-6040
FAX NUMBER	202-783-6031
<b>FEE INFORMATION</b>	
TOTAL FEES PAID	325
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1

eTreas Trademark/Service Mark Applicant

78136703

<b>LAW OFFICE INFORMATION</b>	
E-MAIL ADDRESS FOR CORRESPONDENCE	N/A
<b>SIGNATURE AND OTHER INFORMATION</b>	
SIGNATURE	/Robert H. Cameron/
DATE	06/18/2002
NAME	Robert H. Cameron
TITLE	Attorney for Applicant
<b>MAILING ADDRESS</b>	
LINE	G. Franklin Rothwell, Esq.
LINE	Rothwell, Figg, Ernst & Manbeck, P.C.
LINE	1425 K Street, NW
LINE	Suite 800
LINE	Washington DC 20005
<b>RAM INFORMATION</b>	
RAM SALE NUMBER	127
RAM ACCOUNTING DATE	20020619
<b>SERIAL NUMBER INFORMATION</b>	
SERIAL NUMBER	78/136703
INTERNET TRANSMISSION DATE	Tuesday, 06-18-2002 16:40:16 EDT
TEAS STAMP	USPTO-12150177130-20020618164022616-78/136703-124c18c558a2b5c1d365f455ca4201533-RAM-27-20020618163822616
E-MAIL ADDRESS FOR	bmanning@rothwellfigg.com

78136703

eTrans Trademark/Service Mark Applicant

78136703

ACKNOWLEDGMENT	
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06/21/2002 9:46 AM

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<FILING DATE> 06/18/2002

<DOCUMENT INFORMATION>  
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<VERSION 1.24>

<APPLICANT INFORMATION>  
<NAME> Barilla Alimentare S.p.A.  
<STREET> Via Mantova 166  
<CITY> Parma PR  
<COUNTRY> Italy  
<ZIP/POSTAL CODE> 43100

<APPLICANT ENTITY INFORMATION>  
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Italy

<TRADEMARK/SERVICEMARK INFORMATION>  
<MARK> BARILLA - AMERICA'S FAVORITE PASTA

<TYPED FORM> Yes  
\* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). \*

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<INTENT TO USE: SECTION 1(b)> Yes

\* Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. Section 1051(b), as amended.) \*

<INTERNATIONAL CLASS NUMBER> 030  
<LISTING OF GOODS AND/OR SERVICES> PASTA, PASTA PRODUCTS,  
SAUCES FOR PASTA

<ATTORNEY INFORMATION>  
<NAME> G. Franklin Rothwell, Esq.  
<STREET> 1425 K Street, NW Suite 800  
<CITY> Washington  
<STATE> DC  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 20005  
<FIRM NAME> Rothwell, Figg, Ernst & Manbeck, P.C.

<TELEPHONE NUMBER> 202-783-6040  
<FAX NUMBER> 202-783-6031  
<ATTORNEY DOCKET NUMBER> 2778-127  
<OTHER APPOINTED ATTORNEY(S)> Robert H. Cameron; Anne M. Sterba

**<DOMESTIC REPRESENTATIVE FOR FOREIGN APPLICANT>**

\* is hereby appointed applicant's representative upon whom notice of process in the proceedings affecting the mark may be served \*

<NAME> G. Franklin Rothwell, Esq.  
<STREET> 1425 K Street, NW Suite 300  
<CITY> Washington  
<STATE> DC  
<ZIP CODE> 20005  
<FIRM NAME> Rothwell, Figg, Ernst & Manbeck, P.C.  
<TELEPHONE NUMBER> 202-783-6040  
<FAX NUMBER> 202-783-6031

**<FEE INFORMATION>**

<TOTAL FEES PAID> 325  
<NUMBER OF CLASSES PAID> 1  
<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

<E-MAIL ADDRESS FOR CORRESPONDENCE> N/A

**<SIGNATURE AND OTHER INFORMATION>**

\* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true \*

<SIGNATURE> /Robert H. Cameron/  
<DATE> 06/18/2002

78136703

eTeas Trademark/Service Mark Applica

78136703

<NAME> Robert H. Cameron  
<TITLE> Attorney for Applicant

## &lt;MAILING ADDRESS&gt;

<LINE> G. Franklin Rothwell, Esq.  
<LINE> Rothwell, Figg, Ernst & Manbeck, P.C.  
<LINE> 1425 K Street, NW  
<LINE> Suite 800  
<LINE> Washington DC 20005

## &lt;RAM INFORMATION&gt;

<RAM SALE NUMBER> 127  
<RAM ACCOUNTING DATE> 20020619

## &lt;SERIAL NUMBER INFORMATION&gt;

<SERIAL NUMBER> 78136703  
<INTERNET TRANSMISSION DATE> Tuesday, 06-18-2002 16:40:16 EDT  
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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> bmanning@rothwellfgg.com

Internet Transmission Date:

2002/06/18

Filing Date:

2002/06/18

Serial Number:

78136703



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 127

RAM ACCOUNTING DATE: 20020619



NO OCR



06-18-2002

**Drawing Page**

**Applicant:**

Barilla Alimentare S.p.A.  
Via Mantova 166  
Parma PR Italy 43100

**Goods and Services:**

PASTA, PASTA PRODUCTS, SAUCES FOR PASTA

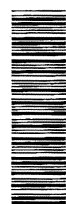
**Mark:**

BARILLA - AMERICA'S FAVORITE PASTA

**Serial Number:**  
78136703



NO OCR



06-18-2002